

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: March 19, 2025

CASE NO.: OLT-23-001297

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Diamond Developments
Subject:	Request to amend the Official Plan – Failure to adopt the requested amendment
Description:	To permit nine detached dwellings along a common element condominium road
Reference Number:	OZ OPA 22-1 W7
Property Address:	900 Mississauga Heights Drive
Municipality/UT:	Mississauga
OLT Case No.:	OLT-23-001297
OLT Case Name:	Diamond Developments v. Mississauga (City)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Diamond Developments
Subject:	Request to amend the Zoning By-law – Failure to adopt the requested amendment
Description:	To permit nine detached dwellings along a common element condominium road
Reference Number:	OZ OPA 22-1 W7
Property Address:	900 Mississauga Heights Drive
Municipality/UT:	Mississauga
OLT Case No.:	OLT-23-001298
OLT Lead Case No.:	OLT-23-001297
OLT Case Name:	Diamond Developments v. Mississauga (City)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Mario and Maria Polla
Subject:	Request to amend the Zoning By-law – Failure to adopt the requested amendment
Description:	To permit nine detached dwellings along a “common element condominium road
Reference Number:	OZ 21-013 W7
Property Address:	904 Mississauga Heights Drive
Municipality/UT:	Mississauga
OLT Case No.:	OLT-23-001300
OLT Lead Case No.:	OLT-23-001297
OLT Case Name:	Mario and Maria Polla v. Mississauga (City)

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Mario and Maria Polla
Subject:	Request to amend the Official Plan – Failure to adopt the requested amendment
Description:	To permit nine detached dwellings along a common element condominium road
Reference Number:	OPA 24-1 W7
Property Address:	904 Mississauga Heights Drive
Municipality/UT:	Mississauga
OLT Case No.:	OLT-24-000523
OLT Lead Case No.:	OLT-23-001297
OLT Case Name:	Mario and Maria Polla v. Mississauga (City)

BEFORE:

P. TOMILIN)	Tuesday, the 19 th
MEMBER)	
)	day of March, 2025

THE OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT APPLICATIONS filed by Diamond Developments (900 Mississauga Heights) Inc., in respect of the lands known municipally as 900 Mississauga Heights Drive in the City of Mississauga having been appealed to the Tribunal (the “**900 MHD Appeals**”);

AND THE ZONING BY-LAW AMENDMENT APPLICATION filed by Mario and Maria Polla, in respect of the lands known municipally as 904 Mississauga Heights Drive (“**904 MHD**”) in the City of Mississauga having been appealed to the Tribunal (the “**904 MHD ZBA Appeal**”);

AND CITY COUNCIL’S DECISION on the official plan amendment application for 904 MHD having been appealed to the Tribunal (together with the 904 MHD ZBA Appeal and the 900 MHD Appeals, the “**Appeals**”);

AND THE TRIBUNAL having consolidated the Appeals by order dated September 16, 2024;

AND THE TRIBUNAL having considered a settlement of the Appeals among the parties in writing on February 14, 2025;

AND THE TRIBUNAL having received uncontradicted expert opinion evidence in the area of land use planning through the Affidavit of Mark Condello sworn on February 5, 2025, in support of a settlement of the Appeals among the parties;

AND THE TRIBUNAL having received the final Official Plan Amendment and Zoning By-law Amendment on consent of the parties on March 7, 2025;

AND THE TRIBUNAL being satisfied that the settlement has appropriate regard for matters of provincial interest as established in Section 2 of the *Planning Act*, as amended, is consistent with the Provincial Planning Statement (2024), conforms with the Region of Peel Official Plan and the City of Mississauga Official Plan as amended, represents good planning, and is in the public interest;

THE TRIBUNAL ORDERS:

1. the Appeals are allowed, in part;
2. the City of Mississauga Official Plan, as amended, is hereby amended in the manner set out in Schedule “A” to this Order;
3. the City of Mississauga Zoning By-law 0225-2007, as amended, is hereby amended in the manner set out in Schedule “B” to this Order; and

4. the Tribunal authorizes the municipal clerk to format, as may be necessary, and assign a number to these by-laws for record keeping purposes.

“Euken Lui”

EUKEN LUI
ACTING REGISTRAR

Ontario Land Tribunal

Website: olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

SCHEDULE "A"

Amendment No. 196

to

Mississauga Official Plan

Amendment No. 196
to
Mississauga Official Plan

The following text and Maps "A" to "E" attached constitute Amendment No. 196.

PURPOSE

The purpose of this Amendment is to change the land use designation of the subject lands from Residential Low Density I to Greenlands and from Greenlands to Residential Low Density I and to amend the Special Site 2 policies for the Erindale Neighbourhood Character Area.

LOCATION

The lands affected by this Amendment are located south of Queensway West, east of Glengarry Road. The subject lands are located in the Erindale Neighbourhood Character Area, as identified in Mississauga Official Plan.

BASIS

Mississauga Official Plan came into effect on November 14, 2012, save and except for the outstanding site specific appeals to the Ontario Land Tribunal.

The subject lands are designated Residential Low Density I and Greenlands, and are subject to the Special Site 2 policies.

The Residential Low Density I designation permits only detached dwellings in the Erindale Neighbourhood Character Area, while Special Site 2 provides additional policies to preserve and enhance generous setbacks, maintain existing grades, fit the scale and character of the area, recess garages, reduce overlook, be one to two stories, reduce hard surfaces, preserve mature trees, and require lots fronting Mississauga Heights Drive to have minimum frontages of 30 m and areas of 1 400 m².

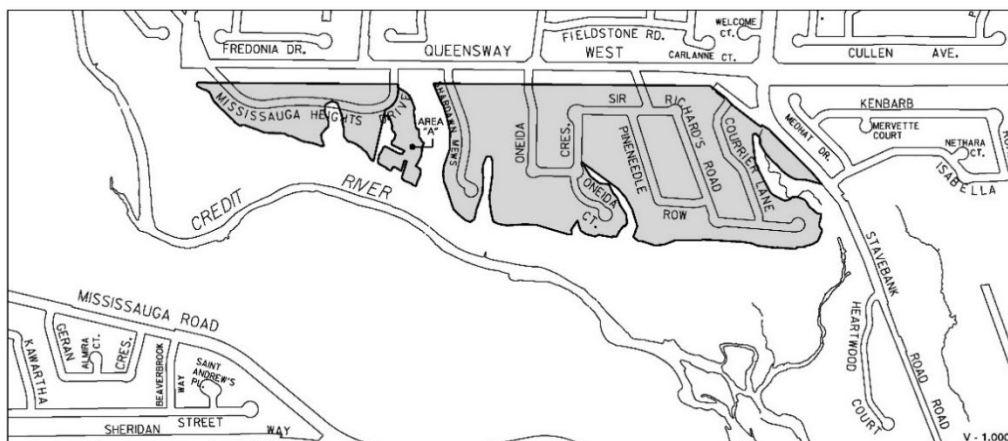
The Greenlands designation permits conservation, flood control and/or erosion management and passive recreational and parkland type uses.

An Official Plan Amendment is required to allow smaller lot frontages and areas, and amend the limits of the Residential Low Density I and Greenlands designations to establish the limits of development and provide for the protection of the natural heritage features, natural hazards, erosion and the associated buffers thereto.

DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

1. Section 16.9.2, Special Site Policies, Erindale Neighbourhood Character Area, of Mississauga Official Plan, is hereby amended by deleting the Special Site 2 map and replacing it with the following:

16.9.2.2 Site 2



2. Section 16.9.2.2, Special Site 2, Erindale Neighbourhood Character Area, of Mississauga Official Plan, is hereby amended by adding the following to Policy 16.9.2.2.2:
 - j. the lands identified as Area A will permit detached dwellings on a common element (CEC) road and not be subject to the policy i. of this section.
3. Schedule 1, Urban System, of Mississauga Official Plan, is hereby amended by changing the boundaries of the Green System, as shown on Map "A" of this Amendment.
4. Schedule 1a, Urban System - Green System, of Mississauga Official Plan, is hereby amended by changing the boundaries of the Green System, as shown on Map "B" of this Amendment.
5. Schedule 3, Natural System, of Mississauga Official Plan, is hereby amended by changing the boundaries of the Significant Natural Areas and Natural Green Spaces, as shown on Map "C" of this Amendment.
6. Schedule 4, Parks and Open Spaces, of Mississauga Official Plan, is hereby amended by changing the boundaries of the Public and Private Open Spaces, as shown on Map "D" of this Amendment.
7. Schedule 10, Land Use Designations, of Mississauga Official Plan, is hereby amended by changing the land use designation of the subject lands from Residential Low Density I to Greenlands and from Greenlands to Residential Low Density I, as shown on Map "E" of this Amendment.

IMPLEMENTATION

Upon receipt of the Ontario Land Tribunal's Final Order, Mississauga Official Plan will be amended in accordance with the Order.

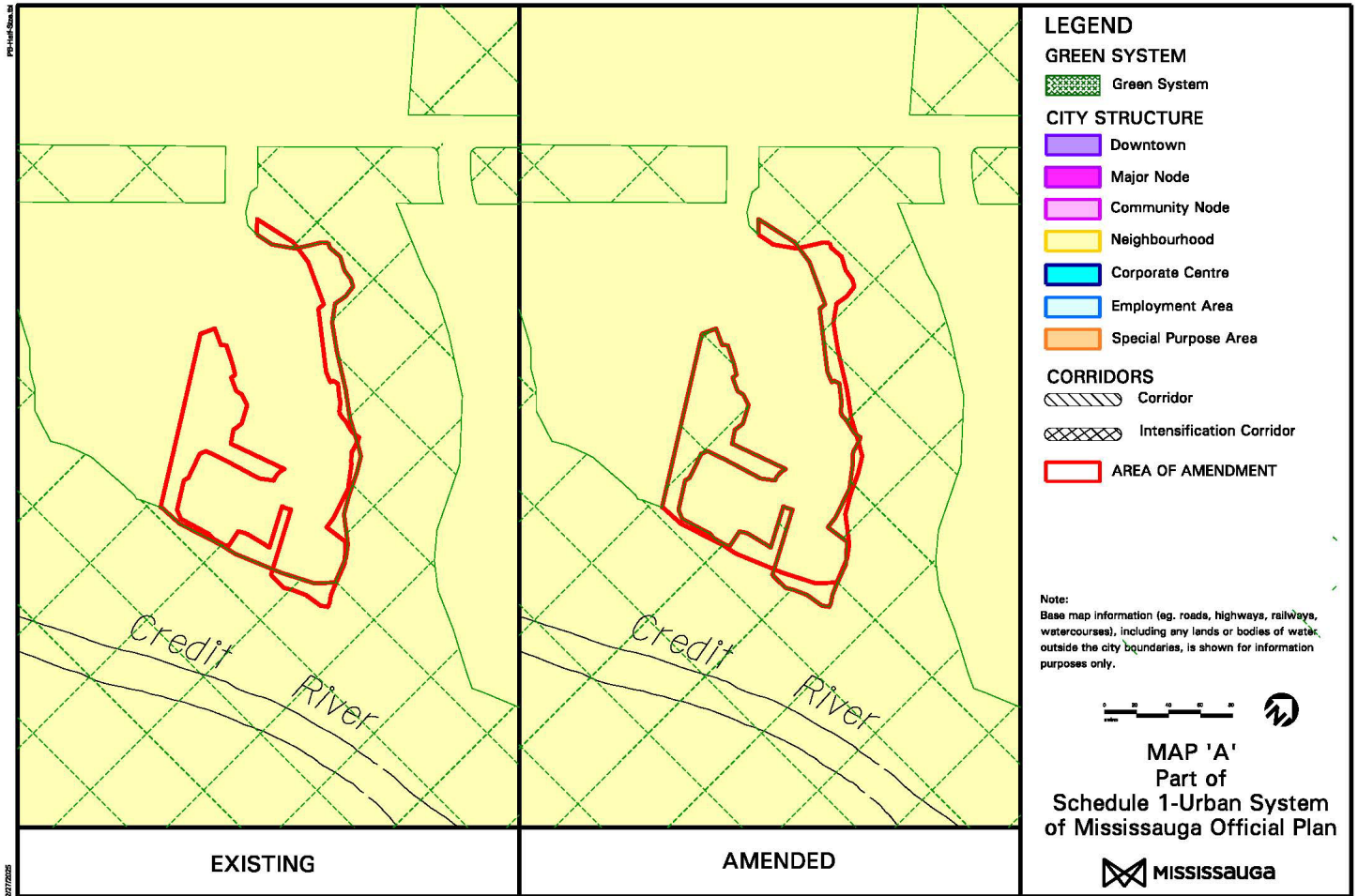
The lands will be rezoned as part of the same Tribunal Order.

This Amendment has been prepared based on the Office Consolidation of Mississauga Official Plan dated August 7, 2024.

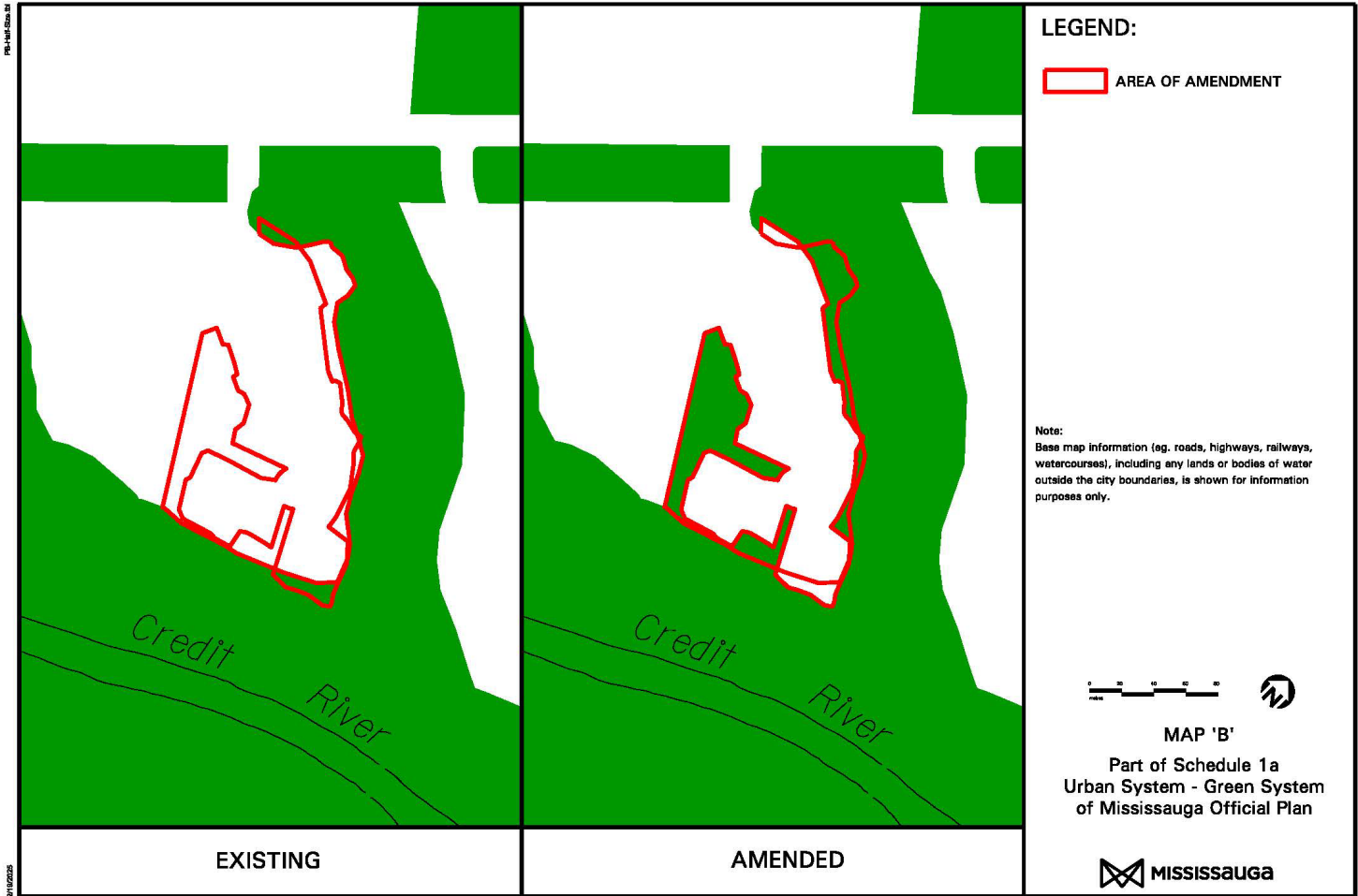
INTERPRETATION

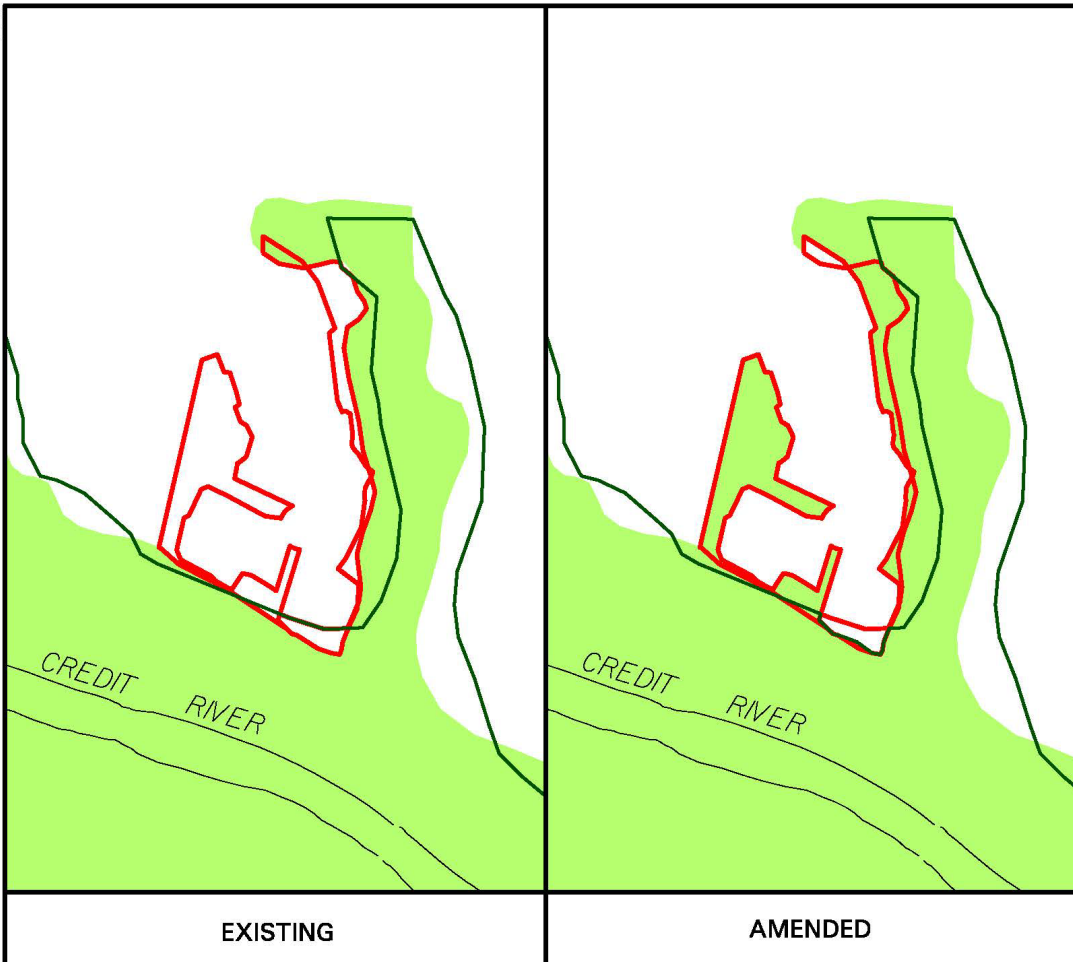
The provisions of Mississauga Official Plan, as amended from time to time regarding the interpretation of that Plan, will apply in regard to this Amendment.

This Amendment supplements the intent and policies of Mississauga Official Plan.



I:\oad\Project\Report\Map\227270 CZ CPA 22-1 W7_RPT\Vector\Feb2020\22001 - MOPR Schedule 1_Urban System - remove and add green system.dgn





LEGEND

Natural Heritage System:

- Significant Natural Areas and Natural Green Spaces
- Special Management Areas
- Linkages
- Residential Woodlands
- Provincially Significant Wetlands
- Other Wetlands
- Areas of Natural and Scientific Interest Provincial Significance
- Areas of Natural and Scientific Interest Regional Significance

Natural Hazards:

- Natural Hazards
- Two Zone Floodplain Regulations
- Special Policy Area Floodplain
- AREA OF AMENDMENT

Notes:

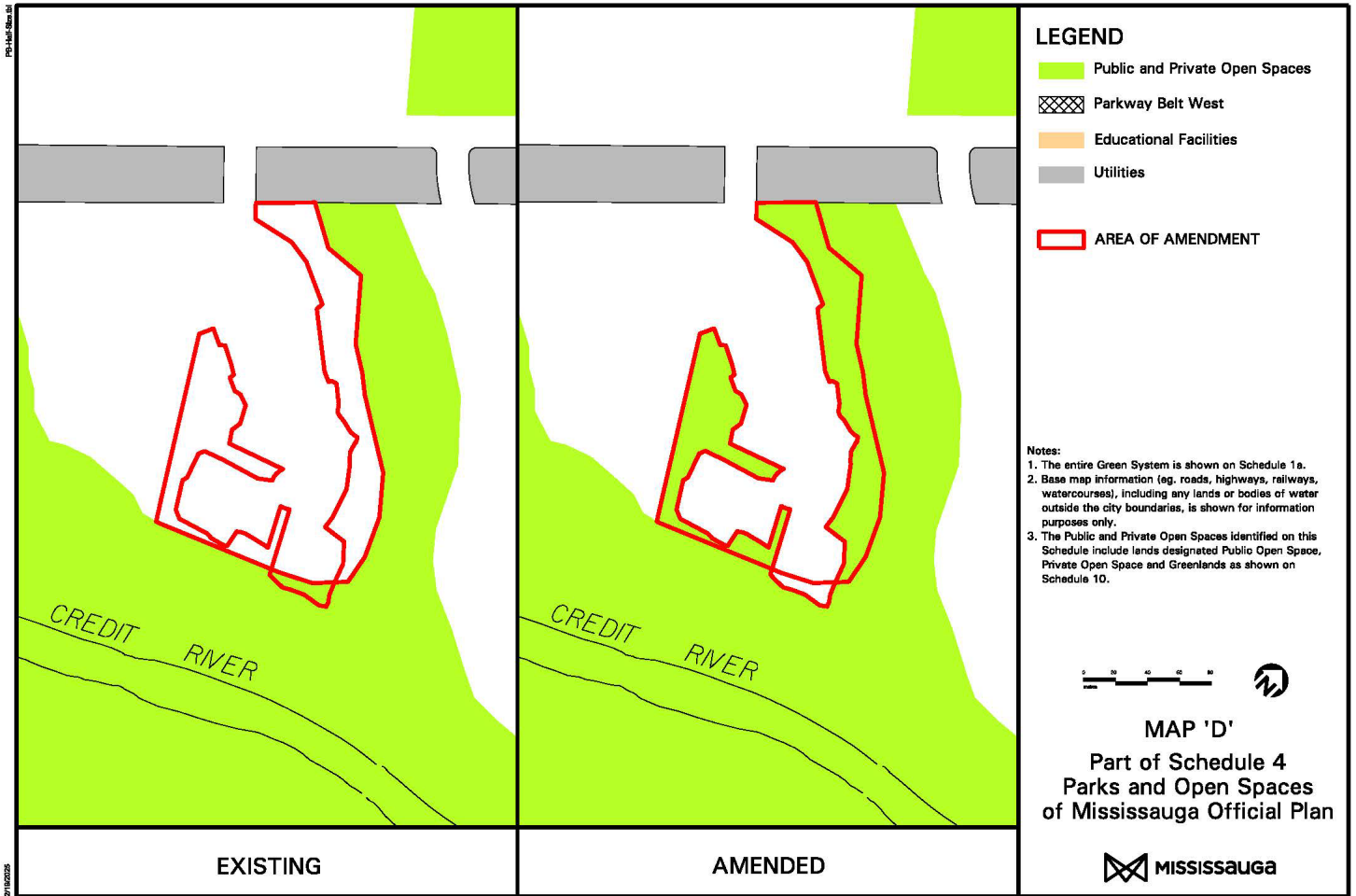
1. The entire Green System is shown on Schedule 1a.
2. Base map information (eg. roads, highways, railways, watercourses), including any lands or bodies of water outside the city boundaries, is shown for information purposes only.
3. The limits of the Natural Hazards shown on this Schedule are for illustrative purposes only. The appropriate Conservation Authority should be consulted to determine their actual location.

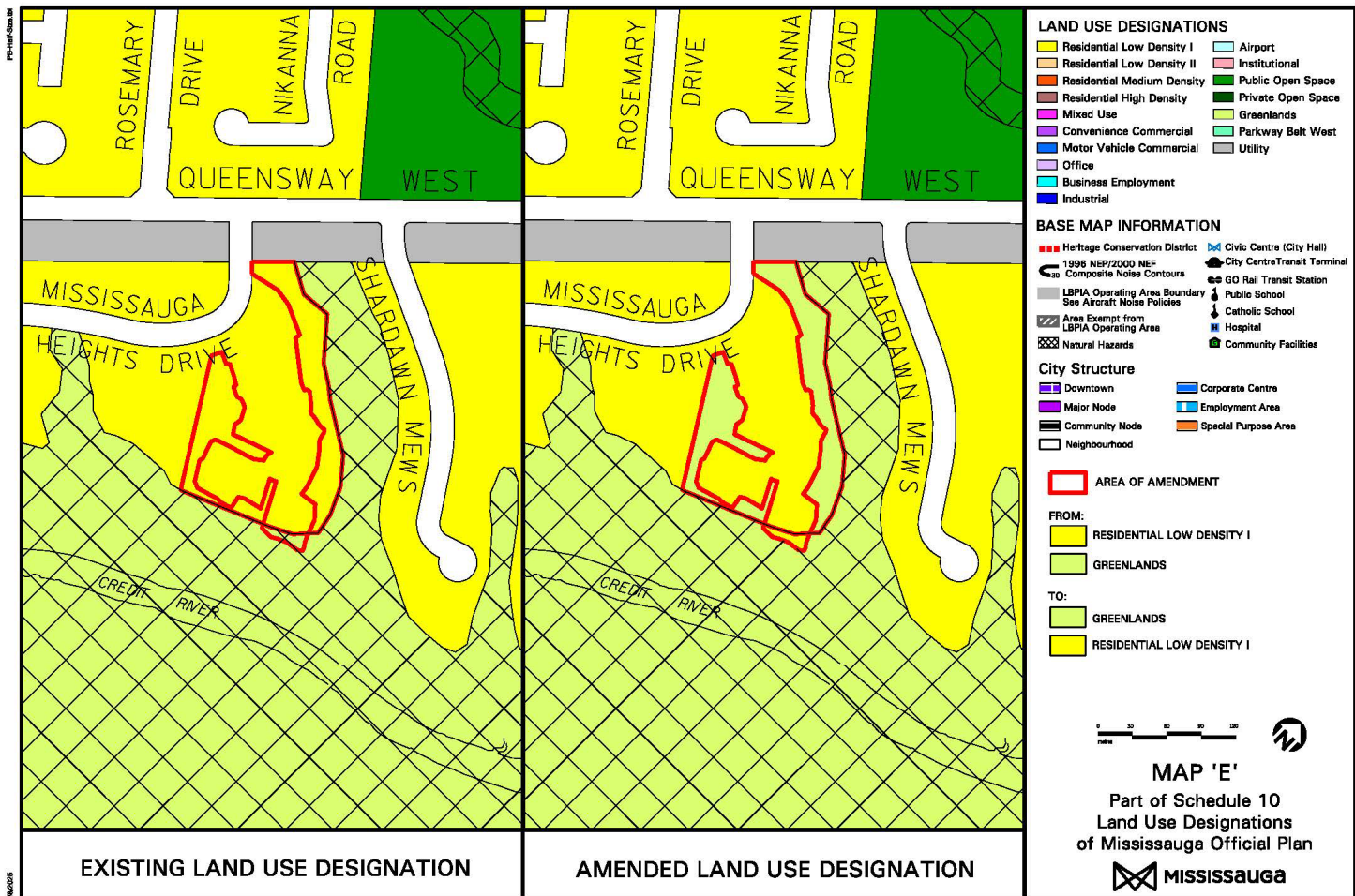


MAP 'C'

Part of Schedule 3
Natural System
of Mississauga Official Plan







SCHEDULE "B"

1409-7033-3203

ONTARIO LAND TRIBUNAL

OLT Lead Case No. OLT-23-001297

ORDER DATED MARCH 19, 2025

OLT Case Nos. OLT-23-001298,

OLT-23-001300

Diamond Developments (Mario and Maria Polla)

1. By-law Number 0225-2007, as amended, being a City of Mississauga Zoning By-law, is amended by adding the following Exception Table:

4.7.2.17	Exception: R16-17	Map # 16	By-law:
In a R16-17 zone the permitted uses and applicable regulations shall be as specified for a R16 zone except that the following uses/regulations shall apply:			
Regulations			
4.7.2.17.1	The provisions contained in Article 4.1.8 of this By-law shall not apply		
4.7.2.17.2	Minimum lot area - interior lot	400 m ²	
4.7.2.17.3	Minimum lot area - CEC - corner lot	500 m ²	
4.7.2.17.4	No swimming pools shall be permitted outside of Buildable Areas 'D', 'E' and 'H' identified on Schedule R16-17 of this Exception		
4.7.2.17.5	The areas identified on Schedule R16-17 of this Exception as tree preservation areas, shall only be used for conservation purposes, and no buildings or structures, swimming pools , tennis courts or any like recreational facilities, except for fences along the lot lines , shall be permitted		
4.7.2.17.6	Notwithstanding Sentence 4.7.2.17.13 of this Exception, maximum projection of a porch or deck inclusive of stairs located at and accessible from the first storey or below the first storey , outside the buildable areas , facing the front and exterior side lot lines		1.5 m

4.7.2.17	Exception: R16-17	Map # 16	By-law:
4.7.2.17.7	Notwithstanding Sentence 4.7.2.17.13 of this Exception, maximum projection of a porch or deck inclusive of stairs located at and accessible from the first storey or below the first storey , or awning, outside the buildable areas , facing the rear lot line		5.0 m
4.7.2.17.8	Notwithstanding Sentence 4.7.2.17.13 of this Exception, maximum projection of an awning, window, chimney , pilaster or corbel, window well, and stairs with a maximum of three risers, outside the buildable areas , facing the front and exterior side lot lines		0.6 m
4.7.2.17.9	Notwithstanding Sentence 4.7.2.17.13 of this Exception, maximum projection of a balcony , window, chimney , pilaster or corbel, window well, and stairs with a maximum of three risers, outside the buildable areas , facing the rear lot line		1.0 m
4.7.2.17.10	Minimum visitor parking spaces		2
4.7.2.17.11	Notwithstanding Sentence 4.7.2.17.13 of this Exception, accessory buildings and structures shall be permitted outside the buildable areas		
4.7.2.17.12	Notwithstanding Sentence 4.7.2.17.13 of this Exception, play equipment shall be permitted outside the buildable areas		
4.7.2.17.13	All site development plans shall comply with Schedule R16-17 of this Exception		

4.7.2.17	Exception: R16-17	Map # 16	By-law:
Holding Provision			
<p>The holding symbol H is to be removed from the whole or any part of the lands zoned H-R16-17 by further amendment to Map 16 of Schedule B contained in Part 13 of this By-law, as amended, upon satisfaction of the following requirements:</p> <ol style="list-style-type: none"> (1) delivery an executed Development Agreement, in a form and in terms satisfactory to The Corporation of the City of Mississauga ("City"), securing, but not limited to: <ol style="list-style-type: none"> (1.1) a cash contribution in the amount of \$624,284.20 for the purpose of ecosystem offsetting, in accordance with the Credit Valley Conservation Ecosystem Offsetting Guidelines; (1.2) the installation of a minimum of four nursery style bat boxes within the tree preservation or enhancement areas on the subject lands, for the purposes of providing habitat for bats; and (1.3) submission of an updated Tree Inventory and Preservation Plan to reflect the settlement proposal, following consultation with city staff regarding the preservation of trees 25 and 520 as identified in the Tree Inventory and Preservation Plan for the subject lands dated September 9, 2024. (2) submission of an updated Functional Servicing and Stormwater Management Report, including associated drawings showing cross-section details for the proposed stormwater outlet (headwall and plunge pool structure) to the satisfaction of the City; (3) submission of an updated Traffic Operations Assessment, to the satisfaction of the City; (4) submission of a detailed Landscape Restoration Plan for the Natural Heritage System buffer and enhancement areas, as well as the area impacted by previous tree removals, consistent with restoration requirements outlined in the corrective work order, to the satisfaction of the City; 			

4.7.2.17	Exception: R16-17	Map # 16	By-law:
Holding Provision (continued)	<ul style="list-style-type: none"> (5) submission of updated Grading, Servicing and Architectural Plans, reflecting the updated lot layout and any noise mitigation features, to the satisfaction of the City; (6) submission of an Environmental Compliance Approval for stormwater infrastructure, to the satisfaction of the City; (7) submission of an updated Phase 1 Environmental Site Assessment, Phase 2 Environmental Site Assessment and associated Reliance Letters, a Storm Sewer Use By-law Acknowledgement form, and letter certified by a qualified person, stating that the lands to be dedicated to the City are environmentally suitable for the proposed use, to the satisfaction of the City; (8) provision of mutual access and servicing arrangements, as required to the satisfaction of the City, including easements, and private maintenance agreements interconnecting the lands; (9) submission of confirmation from the Ministry of Environment, Conservation and Parks (MECP) that the requirements of the <i>Endangered Species Act</i> have been addressed with respect to potential effects on maternity roost for endangered bats resulting from the proposed development. 		

2. Map Number 16 of Schedule "B" to By-law Number 0225-2007, as amended, being a City of Mississauga Zoning By-law, is amended by changing thereon from "R1-8" to "H-R16-17", "G1" and "G2", and by deleting therefrom a portion of the Greenlands Overlay from the zoning of Part of Lots D and E, Range 3, Credit Indian Reserve, in the City of Mississauga, PROVIDED HOWEVER THAT the "H-R16-17", "G1" and "G2", zoning shall only apply to the lands which are shown on the attached Schedule "A", and the Greenlands Overlay shall not apply to a portion of the lands which are shown on the attached Schedule "A", which is deemed to be an integral part of this By-law, outlined in the heaviest broken line with the "H-R16-17", "G1" and "G2", zoning indicated thereon and the Greenlands Overlay deleted therefrom.

3. This By-law shall not come into force until Mississauga Official Plan Amendment Number 196 is in full force and effect.

